

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 1:13CR01866-001 MV

ISAIAH TRUJILLO,

Defendant.

UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING

COMES NOW the Defendant, Isaiah Trujillo, through his attorney, Alonzo J. Padilla, Assistant Federal Public Defender, who moves this Court for an order vacating the sentencing hearing now scheduled for Wednesday, December 3, 2014.

As grounds for this request, counsel for Mr. Trujillo states:

1. Mr. Trujillo was indicted by a federal grand jury in a four-count indictment, alleging two counts of Second Degree Murder and two counts of Aggravated Assault Resulting in Serious Bodily Injury. However, on March 11, 2014, Mr. Trujillo and the government reached an agreement whereby Mr. Trujillo agreed to plead guilty to two counts of Involuntary Manslaughter in exchange for the government agreeing to a sentence of eight years with the plea to be entered pursuant to Rule 11 (c)(1)(C) of the Federal Rules of Criminal Procedure. In addition, the government agreed to dismiss the two counts of aggravated assault and not to bring any additional charges against Mr. Trujillo arising out of the unfortunate incident that resulted in the deaths of two people.

2. Following his arrest on a criminal complaint filed in this case, Mr. Trujillo was ordered detained by the Magistrate. However, subsequent to the appeal of the detention order Mr. Trujillo was released from custody and ordered to reside with his family pending a final resolution of his case. In addition, Mr. Trujillo has been on GPS location monitoring and has been required to essentially be on home detention while on conditions of release. Mr. Trujillo has been in total compliance with the terms of his release and will continue to abide by the conditions of his release until he surrenders to begin serving the sentence imposed by this Court.

3. Counsel for Mr. Trujillo was unable, in a timely fashion, to file a Sentencing Memorandum to urge the Court to accept the plea agreement entered in this case. Unfortunately, counsel has been extremely busy handling a number of other cases in addition to Mr. Trujillo's and was simply unable to get the Sentencing Memorandum finalized and filed with adequate time for the government and probation to respond. In addition, the family only recently brought to counsel's attention, information contained in the Presentence Report that either should be objected to or clarified. Counsel also only recently received letters from family members that he was hoping to attach to his Sentencing Memorandum. Since the letters from Mr. Trujillo were recently received counsel was unable to incorporate them into his final draft of the Sentencing Memorandum. For those reasons, counsel respectfully requests that the Court grant a continuance of the sentencing hearing to allow counsel sufficient time to finalize the Sentencing Memorandum and any objections or clarifications to the Presentence Report that he feels should also be filed. Counsel apologizes for having

to request a continuance but felt it was necessary to do so to make sure the Court is fully informed regarding all the facts surrounding this plea agreement and why it was entered into by the parties. Counsel feels that the sentence agreed upon is reasonable and should be accepted by the Court. However, counsel is aware of how diligent this Court can be whenever it is asked to approve a plea entered under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. At this stage, counsel is concerned that the Court may not have enough information to support the decision about accepting the plea. Counsel requests that the matter be rescheduled either within the next two weeks, if any time is available, or shortly after the new year begins in January, 2015.

4. Assistant United States Attorney Jennifer Rozzoni has been contacted regarding this continuance motion and she has no objection to the continuance being granted.

5. This is Mr. Trujillo's first request to continue the sentencing hearing.

I HEREBY CERTIFY THAT on December 1, 2014, 2013, I filed the foregoing electronically through the CM/ECF system, which caused AUSA Jennifer Rozzoni and USPO Andrea Hernandez to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Alonzo J. Padilla

Respectfully submitted,

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[Electronically filed on 12/1/2014]
ALONZO J. PADILLA, AFPD
Attorney for Defendant